

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services proposes to amend Chapter 88, “Managed Health Care Providers,” Iowa Administrative Code.

The purpose of this amendment is to clarify policy on the treatment of income and resources for institutionalized spouses who apply for the Programs of All-Inclusive Care for the Elderly (PACE). Specifically, the amendment will clarify policy on the treatment of income and resources for certain institutionalized spouses who apply for PACE.

The effect of this amendment will be to clarify policy that PACE enrollees are considered to be institutionalized for Medicaid eligibility purposes and that spousal impoverishment eligibility rules do apply. The clarification will assist income maintenance workers in making correct determinations of eligibility for PACE.

Any interested person may make written comments on the proposed amendment on or before March 26, 2013. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

This amendment does not provide for waivers in specific situations because it confers a benefit and because all Medicaid members are subject to the same rules regarding the determination of eligibility for PACE. However, requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

The following amendment is proposed.

Amend paragraph **88.84(1)“a”** as follows:

a. Basic eligibility requirements.

(1) The person must be 55 years of age or older.

(2) The person must reside in the service area of the PACE organization.

(3) The person must be eligible for Medicaid pursuant to the provisions in 441—Chapter 75 for persons in a medical institution.

~~(3)~~ (4) The department must determine that the person is eligible for Iowa Medicaid pursuant to 441—Chapter 76.

~~(4)~~ (5) The department must determine that the person needs the nursing facility level of care.

~~(5)~~ (6) The person must meet any additional program-specific eligibility conditions imposed under the PACE program agreement. These additional conditions shall not modify the requirements stated in this subrule.